

REMARKS

This paper is filed in response to the Office Action dated June 2, 2008. Claims 1, 4, 7, 8, and 26-31 are pending in the Application, and claims 7 and 8 are withdrawn from consideration. Claims 1, 4, and 26-31 stand rejected. By this paper, claim 1 is amended and claims 4 and 26-31 remain as previously filed. Accordingly, claims 1, 4, 7, 8, and 26-31 remain pending in the Application.

Information Disclosure Statement and Drawings

The Applicants thank the Examiner for acknowledging that the references listed in an Information Disclosure Statement filed on October 19, 2007 have been considered and that the drawings filed on March 26, 2004 are acceptable.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 28, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,485,513 issued to Fan (“Fan”). The Applicants respectfully traverse these rejections. However, in order to expedite prosecution of the Application, independent claim 1 has been amended.

Claim 1

The Applicants respectfully submit that Fan fails to anticipate amended claim 1 because this reference fails to disclose every element recited in this claim.

M.P.E.P. § 2131. For example, Fan does not disclose inserting, after removal of an introducer from a vein, a second end of a graft vessel into a sheath such that at least a portion of the stent is within the vein. Rather, Fan discloses simultaneously inserting an introducer 30, a graft 10, and a peel-away sheath 33 over a guide wire 35 into a vessel 20, as depicted in Figs. 5 and 6A (reproduced below). See Fan, col. 3, ll. 38-55. Accordingly, Fan cannot anticipate the method recited in claim 1 because the introducer 30 is not removed from the vessel 20 before the graft 10 is inserted into the vessel 20. Moreover, it would not be obvious to modify the method disclosed in Fan to remove the introducer 30 before inserting the graft 10 because the stiffness of the introducer 30 is needed to transfer axially-directed pushing forces for purposes of positioning the graft 10 within the vessel 20. See Fan, col. 3, ll. 38-55.

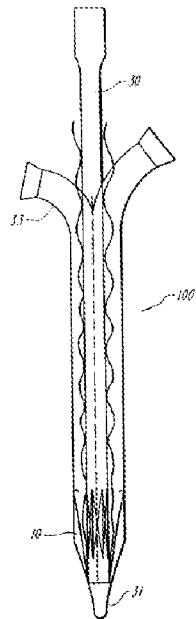


Fig. 5

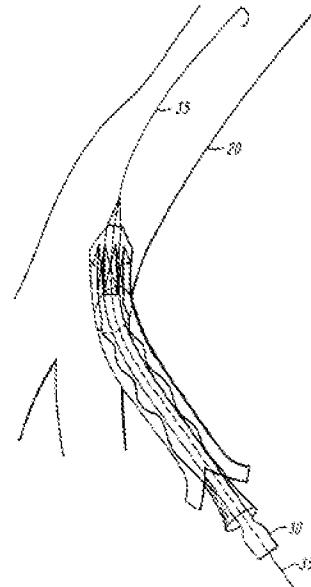
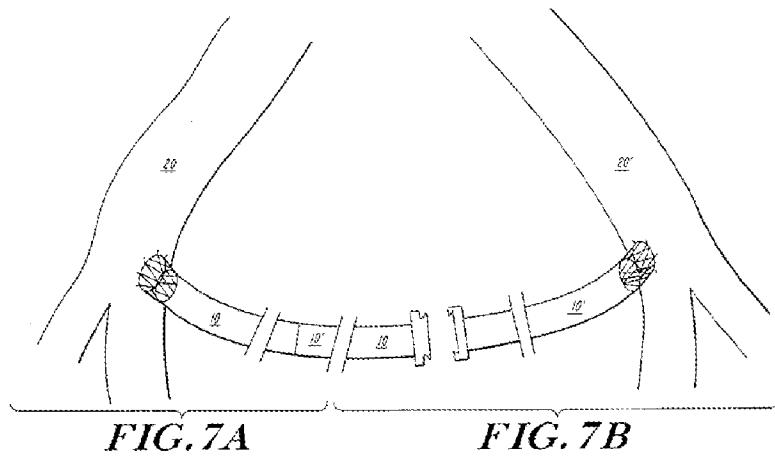


Fig. 6A

As a further example, Fan does not disclose anastomosing a first end of a graft vessel to a side of an artery to yield an end-to-side anastomosis and removing a sheath from a vein such that a second end of the graft vessel is anastomosed to the vein via a stent to yield an end-to-end anastomosis. Rather, Fan teaches using two separate grafts to form a bypass or shunt. One end of each of the two grafts is anastomosed to a vessel via an end-to-side anastomosis, and the other ends of the two grafts are anastomosed to each other via an end-to-end anastomosis, as shown in Figs. 7A and 7B (reproduced below). Fan, col. 4, ll. 25-41. Thus, Fan only discloses anastomosing a graft to a vessel via an end-to-side anastomosis, and nowhere discloses anastomosing a graft to a vessel via an end-to-end anastomosis. Moreover, Fan does not disclose anastomosing a first end of a graft vessel to an artery and a second end of the graft vessel to a vein.



For at least the foregoing reasons, the Applicants respectfully submit that amended claim 1 is not anticipated by Fan. Accordingly, the Applicants respectfully request that the rejection claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claims 28 and 31

Each of claims 28 and 31 depends from claim 1 and thus includes all of the limitations of claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, Fan fails to anticipate claims 28 and 31. The Applicants thus respectfully request that the rejection of claims 28 and 31 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 4 and 26

Claims 4 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan in view of U.S. Patent No. 6,482,227 to Solovay (“Solovay”). The Applicants respectfully traverse these rejections. However, as mentioned above, independent claim 1 has been amended to expedite prosecution of the Application, and each of claims 4 and 26 depends from claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, and since Solovay fails to cure any of Fan’s deficiencies, the Applicants respectfully submit that claims 4 and 26 are patentable over both Fan and Solovay. It is therefore respectfully requested that the rejection of claims 4 and 26 under 35 U.S.C. § 103(a) be withdrawn.

Claim 27

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan in view of U.S. Patent No. 6,428,550 to Vargas et al. ("Vargas"). The Applicants respectfully traverse this rejection. However, as mentioned above, independent claim 1 has been amended to expedite prosecution of the Application, and claim 27 depends from claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, and since Vargas fails to cure any of Fan's deficiencies, the Applicants respectfully submit that claim 27 is patentable over both Fan and Vargas. It is therefore respectfully requested that the rejection of claim 27 under 35 U.S.C. § 103(a) be withdrawn.

Claims 29 and 30

Claims 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan. The Applicants respectfully traverse these rejections. However, as mentioned above, independent claim 1 has been amended to expedite prosecution of the Application, and each of claims 29 and 30 depends from claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, the Applicants respectfully submit that claims 29 and 30 are patentable over Fan. It is therefore respectfully requested that the rejection of claims 29 and 30 under 35 U.S.C. § 103(a) be withdrawn.

U.S. Application No. 10/811,079
Amendment and Response dated September 2, 2008
Reply to Office Action of June 2, 2008

Conclusion

In view of the foregoing, it is believed that all of the claims are patentable in their present form and thus a Notice of Allowance for this case is respectfully requested. The Examiner is invited to contact the undersigned attorney should any impediment to the prompt allowance of this Application remain that is susceptible to being clarified by a telephonic interview or overcome by an examiner's amendment.

DATED this 2nd day of September, 2008

Respectfully submitted,

/Kevin B. Laurence/

Kevin B. Laurence
Attorney for Applicant
Registration No. 38,219

Stoel Rives LLP
One Utah Center
201 South Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: 801-578-6932